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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALVARO MARTINEZ,

Defendant.

Case No. 2:23-mj-00306 DBP

COMPLAINT

SEALED

Judge Dustin B. Pead

Before the Honorable Dustin B. Pead, United States Magistrate Judge for the
District of Utah, appeared the undersigned, who on oath deposes and says:

COUNT I
18 U.S.C. § 922(a)(6)
(False Statement During Acquisition of a Firearm)

On or about March 7, 2023, in the District of Utah,

ALVARO MARTINEZ,

the defendant herein, in connection with the acquisition of a firearm, to wit: an Escort
shotgun, serial no. 912063, from a licensed firearm dealer within the meaning of Chapter
44, Title 18, United States Code, knowingly made a false and fictitious written statement

intended and likely to deceive the firearm dealer with respect to any fact material to the lawfulness of such acquisition of the firearm, that is falsely answered “yes” on ATF form 4473 asking whether he was the actual buyer of the firearm, when, as he then knew, the answer was untrue; all in violation of 18 U.S.C. § 922(a)(6).

AFFIDAVIT IN SUPPORT OF COMPLAINT AND ARREST WARRANT

This complaint is based on the following information:

I, Sean Nicolio, being first duly sworn, depose and say.

1. I am a Special Agent (SA) with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and have been so employed since July of 2019. The information contained in this complaint is based on an investigation conducted by your affiant along with other ATF Agents, Task Force Officers, and officers from the West Valley City Police Department (WVCPD).
2. On March 16, 2023, two individuals who drove from Salt Lake City, UT were selected for an inspection by the Eagle Pass Border Patrol Officers at the U.S. Customs and Border Protection Eagle Pass Border Patrol Station located at 2285 Del Rio Blvd, Eagle Pass, TX 78852. From the inspection, officers discovered twenty (20) long guns, fourteen (14) handguns, sixty-eights (68) magazines with assorted ammunition hidden inside three speaker boxes. In an interview with the two drivers, they told officers that two individuals, who reside in Utah, had instructed and paid them to ship the speaker boxes to Mexico. The drivers stated they had transported speakers on five previous occasions from these same two individuals to Mexico.

3. ATF agents researched the phone numbers associated with the individuals who had paid for the shipping of the speaker boxes. Based on this research, agents were able to identify the individuals as J.B. and E.M. J.B. and E.M. are aliens who are not lawfully in the United States and are therefore restricted people.
4. ATF agents investigated this incident through eTrace, a database that allows law enforcement to track gun histories including the purchase and potential movement of firearms using serial numbers or other identifiers and also through the collection of ATF form 4473s from multiple Federal Firearms Licenses (FFLs). A firearms transaction record or ATF form 4473 is a form prescribed by the ATF which is required to be completed when a person proposes to purchase a firearm from an FFL. eTrace revealed that twenty-three (23) of the thirty-four (34) firearms seized were purchased by ALVARO MARTINEZ. During some of these transactions, MARTINEZ used J.B.'s credit card to pay for the firearms. On each 4473, MARTINEZ wrote the answer "Yes" for question 21a, "Are you the transferee/actual buyer of the firearm(s) listed on the form and any continuation sheet(s)?"
5. The time to crime (time between the gun's purchase and when the gun was found in relation to a crime) from all twenty-three (23) firearms ranged from 9 days to 30 days. ATF trace analysis has consistently shown that trafficked firearms usually have a time to crime to less than 12 months. The Escort shotgun, serial no. 912063, was purchased by MARTINEZ on March 7, 2023 and was seized at the border on March 16, 2023.
6. Queries of eTrace and ATF form 4473s from FFLs in Utah revealed that MARTINEZ

has purchased a significant number of firearms from 2017 to 2023. As of March 27, 2023, at least seventy-eight (78) firearms have been purchased by MARTINEZ from FFLS in Utah. Of the seventy-eight (78) firearms, seventy-one (71) firearms were purchased from 2021 to present.

Based on the foregoing information, your affiant respectfully requests that a warrant of arrest be issued for ALVARO MARTINEZ for violations of 18 U.S.C. § 922(a)(6).

SEAN NICOLIO Digitally signed by SEAN NICOLIO
Date: 2023.04.04 13:29:19 -06'00'

Sean Nicolio,
Special Agent - ATF

SUBSCRIBED AND SWORN to before me this 4th day of April, 2023.


Dustin B. Pead
United States Magistrate Judge



APPROVED:

TRINA A. HIGGINS
United States Attorney

Maria Mooers- Putzer Digitally signed by Maria Mooers- Putzer
Date: 2023.04.04 13:21:03 -06'00'

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Assistant United States Attorney